

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHUCK C. AMAJIOYI,

No. 2:20-cv-2292 DJC DB PS

Plaintiff,

v.

BIOMARIN PHARMACEUTICAL, INC.,

ORDER TO SHOW CAUSE

Defendant.

Plaintiff Chuck C. Amajioyi is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff commenced this action on November 17, 2020, by filing a complaint and paying the required filing fee. (ECF No. 1.) On November 18, 2020, summons for the defendant was issued. (ECF No. 2.) That same day plaintiff was served with a letter that advised plaintiff that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed. (ECF No. 2.)

Nonetheless, plaintiff has repeatedly failed to take action in this case and the docket reflects no proof of service on, or the appearance of, the defendant. In this regard, it appears that plaintiff has failed to prosecute this action. In light of plaintiff's pro se status, and in the

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1 interests of justice, the court will provide plaintiff a final opportunity to show good cause for
2 plaintiff's conduct.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
5 this case should not be dismissed for lack of prosecution¹; and
6 2. Plaintiff is cautioned that the failure to timely comply with this order may result in a
7 recommendation that this case be dismissed.

8 DATED: October 2, 2023

/s/ DEBORAH BARNES

9 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.